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MARSHA S. McLAUGHLIN,
DPZ DIRECTOR, PETITIONER
ZRA 91

BEFORE THE
PLANNING BOARD OF
HOWARD COUNTY, MARYLAND

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MOTION: *To recommend approval with minor editorial changes.*

ACTION: *Recommended Approval: 5 -0*

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RECOMMENDATION

On August 9, 2007, the Planning Board of Howard County, Maryland, heard public testimony and considered the petition of Marsha S. McLaughlin, Director of Planning and Zoning for an amendment to the Zoning Regulations to create certain new sub-sections and regulations under Section 131 *Conditional Uses*.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation, and the comments of reviewing agencies, were presented to the Board for its consideration. The Department of Planning and Zoning recommended approval of the petition based on findings that:

1. the proposed amendments would further the following goals set forth under Section 100 A. *Legislative Intent* in the currently existing Zoning Regulations,
2. the proposed draft Design Advisory Panel legislation would create an additional component to the plan review process for those Age-Restricted Adult Housing projects, where the County has established specific compatibility requirements that have been adopted by County Council, and
3. The changes to the Zoning Regulations as proposed are the minimum required to create the Design Advisory Panel.

The Department of Planning and Zoning included the following recommended modifications as part of its recommendation for approval:

1. Create new sub-section (16) in Section 131.N.1.a. Age-Restricted Adult Housing, General:

1 THE CONDITIONAL USE PLAN AND THE ARCHITECTURAL DESIGN OF THE
2 BUILDING(S) SHALL HAVE BEEN REVIEWED BY THE DESIGN ADVISORY
3 PANEL, IN ACCORDANCE WITH SECTIONS 16.501 THROUGH 16.508 OF THE
4 COUNTY CODE, PRIOR TO THE ~~INITIAL~~ SUBMISSION OF THE CONDITIONAL
5 USE PETITION TO THE DEPARTMENT OF PLANNING AND ZONING. THE
6 PETITIONER SHALL PROVIDE DOCUMENTATION WITH THE PETITION TO
7 SHOW COMPLIANCE WITH THIS CRITERION.
8

- 9 2. Create new sub-section (7) in Section 131.N.1.b. Age-Restricted Adult Housing, Multi-
10 Plex:

11 THE CONDITIONAL USE PLAN AND THE ARCHITECTURAL DESIGN OF THE
12 BUILDING(S) SHALL HAVE BEEN REVIEWED BY THE DESIGN ADVISORY
13 PANEL, IN ACCORDANCE WITH SECTIONS 16.501 THROUGH 16.508 OF THE
14 COUNTY CODE, PRIOR TO THE ~~INITIAL~~ SUBMISSION OF THE CONDITIONAL
15 USE PETITION TO THE DEPARTMENT OF PLANNING AND ZONING. THE
16 PETITIONER SHALL PROVIDE DOCUMENTATION WITH THE PETITION TO
17 SHOW COMPLIANCE WITH THIS CRITERION.
18

19 The Board held two (2) public work-sessions on September 6th and 20th, 2007, to consider the
20 petition for ZRA 91 and the companion Council Bill XX 2007 creating a Design Advisory Panel.

21 The Board reviewed the testimony and comments submitted by the public and noted the majority of
22 the testimony addressed only the Council Bill. The oral and written testimony received by the Board
23 indicated that for the most part, the concept of creating a Design Advisory Panel was generally
24 supported by the public and recommended with modifications by this Board. *(See Planning Board*
25 *Recommendation dated October 23, 2007 and attached Public Testimony List and written testimony*
26 *submitted)*

27 The Board supports Staff's Recommendation to create a new subsection to 131 as noted
28 above. However, the Board addressed, but did not approve, a suggestion by Richard B. Talkin, P.A.,
29 that "the design advisory panel recommendation, could be prima facia evidence of compatibility,
30 with the hearing authority having the right to deny the conditional use if the DPZ recommendations
31 are not followed." *(See 7/30/07 Letter to DPZ)*

32 The majority of the Board (3 – 2) voted to make the DAP recommendations to the Applicant
33 advisory and not mandatory. The Board opined that although the DAP and Conditional Use hearing
34 address compatibility issues, the processes are different in scope and how public input is received:
35 DAP is an internal review and citizen testimony is limited to written comments while a Conditional
36 Use Petition is addressed during a public hearing with full citizen participation. As such, the
37 Petitioner's failure to follow the recommendation can and should be presented as part of the

1 Conditional Use hearing process and given the weight it deserves as determined by the Hearing
2 Examiner.

3 Mr. Grabowski moved to approve ZRA 91 with minor editorial changes and Mr. Rosenbaum
4 seconded the motion.

5 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 23rd
6 day of October, 2007, recommends that ZRA 91 be APPROVED as modified by the Department
7 Planning and Zoning as indicated above.
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HOWARD COUNTY PLANNING BOARD

10 Tammy J. CitaraManis /fk
11 Tammy J. CitaraManis, Chairman

12 David Grabowski /fk
13 David Grabowski, Vice-Chair

14 Linda Dombrowski /fk
15 Linda A. Dombrowski

16 Gary Rosenbaum /fk
17 Gary Rosenbaum

18 Ramsey Alexander, Jr. /fk
19 Ramsey Alexander, Jr.
20

21 ATTEST:

22 Marsha S. McLaughlin
23 Marsha S. McLaughlin, Executive Secretary
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